

REMARKS

This Amendment and Response is responsive to the Final Office Action mailed March 11, 2005. In that Action, claims 1, 3, 9, 10, and 12-16 were rejected under 35 USC §103(a) as being unpatentable over Walker, et al. (USPN 6,014,439) in view of Judkins, et al. (USPN 6,603,854); claims 18 and 19 were rejected under 35 USC §103(a) as being unpatentable over Walker, et al. (USPN 6,014,439) in view of Judkins, et al. (USPN 6,603,854) and further in view of Otto (USPN 5,703,943).

Claims 1 and 3 have been canceled. Claims 9 and 18 have been amended to further distinguish over the prior art of record. Claims 20 and 21 have been added and are dependent on claims 18 and 9, respectively. These new claims are believed to be patentable both because of their dependence on patentable independent claims and because of the additional limitations therein. Claims 9, 10, 12-16, and 18-21 are now pending. Applicants believe that all claims are in allowable form and request reconsideration of the rejections of the pending claims.

Applicants submit that it would be inappropriate to refuse to enter the amendments after the Final Office Action because they require further consideration or raise new issues. The amendments merely further emphasize limitations that already existed in the claims and should have already been searched and considered.

The pending claims have been rejected based on Walker in view of Judkins and, for some claims, further in view of Otto. Each of Walker, Judkins, and Otto discloses queuing a call based solely on the time a telephone call is received. None of the references disclose assigning a priority number for positioning a call in a queue based on an indication made in the at least one telephone call or from monitoring the interactive applications selected during the at least one telephone call.

Specifically, Walker fails to disclose using information relating to the call to determine position of the call in a queue. Walker only discloses positioning the telephone call in the queue (step 860) based on the time the call was received (Column 10, Lines 5-9 and 29-32; Column 11, Lines 1-6). Walker teaches that before the call is placed in the queue, information extracted in step 810 from the customer account database 300 is only used to determine whether the customer should receive paid entertainment options (Column 9, Lines 43-67; Column 10, Lines 1-9; Figures 4, 8A, 8B and 8C). None of the steps preceding placing the call in the queue (step 860) in the flow chart taught by Walker determine the position of the call to be placed in the queue (Column 9, Lines 43-67; Column 10, Lines 1-9; Figures 4, 8A, 8B and 8C). Therefore, Walker teaches that only the order of receiving the call determines the order of the queue.

Judkins fails to disclose using information relating to the call beyond time of receipt to determine the position of the call in a queue. Contrary to the Examiner's assertion, Applicants respectfully submit that Judkins does not teach a method or system that prioritizes calls within a queue based on DNIS or ANI, much less any of the other types of information disclosed by Applicants' invention. Before a call is placed in a queue, Judkins discloses extracting the DNIS and/or ANI information to route to different queues based on DNIS or ANI and/or cause the caller to get a busy signal or be routed elsewhere (Column 20; Lines 10-16). Once in a particular queue, Judkins discloses, "The call center system 100 can escalate the priority of a call after it has been in the queue" (Column 13, Lines 39-45). Thus, once in the queue, Judkins teaches a system for changing the priority of a call based on a function (e.g. linear, exponential, etc.) of the time in the queue (Column 21, Lines 59-67; Column 22, Lines 1-6). Further, Judkins teaches that such settings are applied to every call with a particular DNIS (Column 21, Lines 6-50), and fails to teach a system that assigns to each call its own routing priority number. Thus Judkins

falls far short of teaching a method or system adapted to assign a priority number for positioning a call in a queue based on an indication made in the telephone call or from monitoring the interactive applications selected during the telephone call.

Because neither Walker nor Judkins disclose or suggest assigning a priority number for positioning a call in a queue based on an indication made in the telephone call or from monitoring the interactive applications selected during the telephone call, claim 9 (and all claims dependent thereon) are not obvious in light of the combination thereof. Thus, these claims are patentable.

Furthermore, Otto fails to disclose assigning a routing priority number. Instead, Otto discloses a transaction number used solely when a call is incomplete and needs a second call to be completed (Column 1, Lines 38-42; Column 4, Lines 58-67; Column 5, Lines 1-10). Otto discloses that once a transaction number is assigned, the call is disconnected (Figure 4B, steps 155, 157 and 159). Further, a special phone number to call (DNIS) is assigned to the user with the transaction number so that the transaction may be resumed later (Figure 4B, step 155; Column 5, Lines 4-10). Applicants respectfully submit that Otto's teaching of a transaction number and special callback number falls far short of disclosing assigning a routing priority number (Applicants' invention) and indeed teaches an entirely different function altogether.

Further, Otto only discloses queuing a call based on time the call was received (Fig 4A, steps 123, 125, 129, 131, 135, 137, 127). As in Judkins, Otto teaches that information outside of the time the call was received is only used for directing a call to a particular queue (Column 4, Lines 35-57).

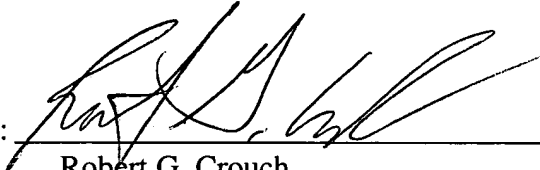
Since Otto fails to supply the deficiency in Walker and Judkins, the combination of the three references does not make claim 18 obvious. Thus, claim 18 is patentable as well.

Claims 9 and 18 have been amended to emphasize the above distinctions of Applicants' invention over the prior art. As such, Applicants believe that they are in allowable form, as are claims 10, 12-16, and 19-21, each being dependent on claim 9 or 18.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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